

**KATZ
DEPOSITION
EXCERPTS**

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1 A Frankly, I have no memory of the actual
2 conversation with Belfield, when it took place that
3 week, where it took place. So I can't really say.
4 But my -- I'm almost 100 percent sure that nobody else
5 would've been in the room.

6 When I had conversations with Dean Belfield
7 in general about policy matters in the department of
8 humanities, it was almost always just him and me in
9 his office.

10 Q Were you seeking legal advice from Dean
11 Belfield?

12 A Absolutely not. I was just telling him what
13 was going on and asking him what we should do about
14 it.

15 Q At any point in time from November 2016, on,
16 when you addressed Dean Belfield with an issue
17 concerning Jason Jorjani, were you seeking legal
18 advice?

19 MR. HAEFNER: Is Dean Belfield some
20 crypto lawyer that I'm unaware of?

21 MR. KELLY: Listen, it's a question.

22 MR. HAEFNER: You can go ahead and
23 answer.

24 THE WITNESS: No. I mean, my father
25 was an attorney. If I want legal advice, I'm going to

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1 ask a lawyer, not the dean.

2 BY MR. KELLY:

3 Q Thank you, Professor Katz.

4 A My chair just went down. Sorry. Excuse me.

5 Q All right.

6 A I have to change chairs.

7 MR. ROTH: Or you could just move the
8 screen.

9 THE WITNESS: Yeah, yeah, yeah. Well,
10 I don't -- Rich, I don't know why your chair just
11 collapsed on me.

12 MR. ROTH: You broke one.

13 THE WITNESS: Okay.

14 BY MR. KELLY:

15 Q Professor Katz, I'm going to show you what
16 I'd like marked as Plaintiff's Exhibit Number 13. It
17 is an email trail; the head of which starts with
18 Matthew Golden, dated December 8, 2016, to Denise
19 Anderson. It is marked as NJIT ESI Production Number
20 4898 through 4903.

21 (Exhibit 13 was marked for
22 identification.)

23 A Okay.

24 Q Do you see that?

25 A Yeah. You spelled --

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1 Q Would it not have been much simpler to
2 simply craft a one or two-line sentence suitable to
3 release whenever NJIT received an inquiry like Mr.
4 Jinkins' or Mr. Schumacher's that stated, in effect,
5 our personnel or employees' politics are their own,
6 and if they're not brought to campus, they're not our
7 business?

8 MR. HAEFNER: Objection to the form of
9 the question.

10 You can go ahead and answer.

11 It's ambiguous, but that's the basis of
12 the objection.

13 You can go ahead and answer.

14 A I mean, again, it's not my place to decide
15 those kinds of things. So the school could do
16 whatever they want.

17 Q Well, surely as chairman of the department
18 of humanities, you felt some responsibility for
19 safeguarding the academic freedom of those within your
20 employ, correct, Professor Katz?

21 MR. HAEFNER: Objection to the form of
22 the question. Badgering.

23 You can go ahead and answer.

24 MR. KELLY: Badgering?

25 A Yes.

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1 Q And you were uneasy with Mr. Schumacher's
2 email, correct?

3 MR. HAEFNER: Was that the previous
4 email, Exhibit 12?

5 MR. KELLY: Yes.

6 MR. HAEFNER: Sorry. Thank you.

7 THE WITNESS: Uneasy? Yeah. It
8 created concern on my part, yes.

9 BY MR. KELLY:

10 Q Was it uneasy for Jorjani's sake, or for
11 someone else's sake?

12 MR. HAEFNER: Objection to the form of
13 the question. Compound.

14 You can go ahead and answer.

15 A I was concerned for Jason and for the
16 university.

17 Q Professor Katz, when you wrote on December
18 8, 2016, here on Exhibit 13, someone needs to tell me
19 what to do and say --

20 A Uh-huh.

21 Q -- did you view this really as a PR problem?

22 A Yes.

23 MR. KELLY: Gentlemen, we've been at
24 this for an hour. I'd like a five-minute break to
25 rest my eyes.

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2 email, correct?

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18 8, 2016, here on Exhibit 13, someone needs to tell me
19 what to do and say --

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24 this for an hour. I'd like a five-minute break to
25 rest my eyes.

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1 probably just sent it on upstairs, as I was doing with
2 every other email.

3 Q Professor Katz, when you say you sent it on
4 upstairs, does that mean sending it also on to Holly
5 Stern?

6 MR. HAEFNER: Objection to the form of
7 the question.

8 You can go ahead and answer.

9 A Again, at this point, I don't remember who I
10 was sending things to or who was on the email chain.
11 My primary -- I primarily sent it to Kevin Belfield,
12 the dean. At this point, I don't remember whether
13 Matt Golden and Holly Stern and Fadi Deek were also on
14 the email chains. I just don't recall.

15 Q Professor Katz, in your mind, was this a
16 personnel matter, or was this a legal matter?

17 MR. HAEFNER: Objection to the form of
18 the question.

19 You can go ahead and answer.

20 And can you repeat that? Was this a
21 what or what?

22 Q Sure. Did -- let me rephrase it.

23 Did the Jorjani situation that was presented
24 to you in November of 2016 and onward -- by which I
25 mean various people complaining about Jorjani's

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1 extramural political speech and associations. Do you
2 understand that?

3 A Yeah. Yes, I do.

4 Q Did that situation, in your mind, present a
5 personnel issue, or a legal issue?

6 A Well, I'm not a lawyer, so I don't think I
7 would consider it as a legal issue. To me it seems to
8 be more of a personnel issue.

9 Q I'm going to show you what should be marked
10 as Plaintiff's Exhibit Number 30.

11 Let me pull it up.

12 (Exhibit 30 was marked for
13 identification.)

14 It's an email from Matthew Golden to
15 yourself, amongst other people, dated April 9, 2017.

16 A Okay.

17 Q The subject says Media Inquiry. It's a
18 two-page PDF. It's New Jersey -- NJIT's ESI Number
19 169 and 170.

20 Do you see that document, sir?

21 A Yes, I do.

22 Q Now, if you had a chance to read through it
23 or need me to scroll down, let me know, please, all
24 right?

25 Counsel, would you like me to scroll up?

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1 OAQ. I mean with regard to your interactions with
2 Jorjani.

3 MR. HAEFNER: That he was in compliance
4 ethically?

5 Q My question is -- let me see if I can.
6 restate it. I'll withdraw it and restate it.

7 Professor Katz, did you rely upon Christine
8 Li to be sure that you stayed within the law in terms
9 of your demands to have Jorjani fill out his OAQ form?

10 MR. HAEFNER: Objection to the form of
11 the question.

12 If you're asking him if he had
13 conversations with Christine Li for legal advice in
14 her capacity as a lawyer, I'm instructing the witness
15 not to answer. If you're asking him if he had
16 conversations with her as an ethics liaison officer
17 about ethical issues and interpretation of ethical
18 issues, he can answer.

19 MR. KELLY: Well, in point of fact, I
20 think he'd have to answer both of those. If
21 he's -- whether or not he's had conversations with a
22 lawyer, that itself is not a privileged question.

23 MR. HAEFNER: Yeah, but you built into
24 the question what the topic of the conversation was
25 which is privileged.

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1 MR. KELLY: Well, hold on. No, that's
2 not true. The subject of the conversation is not
3 privileged.

4 MR. HAEFNER: I think you -- why don't
5 you ask it again, because I think you built in what
6 was the advice of the lawyer. But why don't you ask
7 it again. Maybe you --

8 BY MR. KELLY:

9 Q No, no. Let me be clear. Let me be clear.
10 I'm not asking what the specific advice is. My
11 question was -- the verb was rely.

12 Did you rely upon the advice of Christine Li
13 to make sure that -- did Professor Katz rely upon the
14 advice of Christine Li to make sure that he was in
15 compliance with the law in his dealings with Jason
16 Jorjani on the OAQ issue?

17 MR. HAEFNER: Do you want a yes or no
18 answer?

19 MR. KELLY: Yes.

20 MR. HAEFNER: It lacks foundation. He
21 can give a yes/no answer.

22 Go ahead, Eric.

23 THE WITNESS: My answer would be no. I
24 never even considered my own legal position in terms
25 of Jason's OAQ.

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1 BY MR. KELLY:

2 Q So, Professor Katz, is it fair to say that,
3 in your mind, this was strictly a -- strike that.

4 Professor Katz, is it fair to say that, from
5 your perspective, this was a run-of-the-mill personnel
6 issue?

7 MR. HAEFNER: Objection to the form of
8 the question.

9 You can go ahead and answer.

10 A Well, I wouldn't call it run-of-the-mill but
11 it was definitely a personnel issue.

12 Q Professor Katz, was Jason Jorjani's OAQ
13 compliance a personnel issue?

14 MR. HAEFNER: Objection to the form of
15 the question. Asked and answered.

16 You can go ahead and answer.

17 A Yes. I believe it was a personnel issue.

18 Q I'm sorry. My -- by the way, I apologize,
19 Professor Katz. I know a lot of this seems tedious.

20 A That's okay.

21 Q It's just kind of the way sometimes we work
22 things out. I'm not trying to badger you or draw this
23 out. It just -- when Mr. Haefner objects, I've got to
24 think about the matter and then try to reformulate in
25 case there's a valid objection there. It's kind of

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1 the dance we do here. I'm not trying to be tedious or
2 beat a dead horse as they say.

3 A I understand.

4 Q Okay. Did you think, Professor Katz, that
5 Jorjani's OAQ issue was a particularly complex
6 personnel issue?

7 MR. HAEFNER: Objection to the form of
8 the question.

9 You can go ahead and answer.

10 A No, I didn't think it was complex. I
11 thought that it was that he was not putting in all the
12 information relevant to his outside activities.
13 Pretty simple.

14 Q Professor Katz, do you recall drafting a
15 reappointment letter with regard to Professor Jorjani
16 around April of 2017?

17 A Yes, I do.

18 Q Okay. Did that present any kind of legal
19 issue in your mind?

20 A No, it didn't.

21 Q It presented a routine personnel issue,
22 correct?

23 MR. HAEFNER: Objection to the form of
24 the question.

25 You can go ahead and answer.

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1 what this email is about?

2 A No --

3 MR. HAEFNER: You can answer yes or no.

4 A No.

5 Q I'm going to have to ask -- well ...

6 MR. HAEFNER: Are you going to ask him
7 to remember? He just said he doesn't remember.

8 Oh, and what document -- is this
9 Exhibit 28, Mr. Kelly? 32?

10 MR. KELLY: 32.

11 MR. HAEFNER: Okay.

12 MR. KELLY: It's ESI -- NJIT's ESI
13 3678. Marked confidential despite the fact that it
14 doesn't really reveal too much. Probably another
15 overclassification by your office, but we'll let that
16 slide.

17 MR. HAEFNER: Thanks.

18 BY MR. KELLY:

19 Q Let me ask you this, Professor Katz.

20 In April of 2017, were you discussing
21 Jorjani's OAQ compliance with Holly Stern and
22 Christine Li?

23 MR. HAEFNER: Objection to the form of
24 the question. I mean, again, you built into the
25 question the nature of --

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1 MR. KELLY: The subject matter. I'm
2 not building into the nature of the advice, if any.
3 I'm asking the subject matter.

4 MR. HAEFNER: I don't believe that's
5 the truth, Mr. Kelly. I believe the
6 question -- there's a different question you could ask
7 and it's not that question.

8 So, you know, if you want to ask the
9 witness if he had conversations with Holly Stern
10 around this time, without discussing the topic, that
11 would initially get you an answer to your question and
12 we could see whether there's anywhere to go.

13 MR. KELLY: No, I'll stand on that
14 question. Are you going to direct him not to answer?

15 MR. HAEFNER: Okay. Don't answer the
16 question, Mr. Katz.

17 MR. KELLY: Please mark that for a
18 ruling. I'll have that certified.

19 MR. HAEFNER: I don't even know what
20 that means. You know, we're in federal court in New
21 Jersey. There's no such thing as getting things
22 certified.

23 MR. KELLY: My experience in federal
24 court means, when it's certified, the judge rules on
25 it later on. That's what I mean --